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CANCELLATION OF CERTAIN GOVERNMENT ORDERS REGARDING THE DISTRIBUTION OF DISCHARGED TEMPORARY EMPLOYEES IN THE CAUVERY-METTUR PROJECT AMONG THE REGULAR CIRCLES OF THE PUBLIC WORKS DEPARTMENT.

* Rai Sahib C. KOLANDA REDDI :—" Sir, the resolution which I have the honour to move runs thus—

' *This Council recommends to the Government that G.Os. No.* 2760 *W., dated 3rd November* 1931, *and No.* 939 *W., dated 26th April* 1932, *of the Public Works and Labour Department authorizing the distribution of the temporary employees in the Cauvery-Mettur Project among the regular circles of the Public Works Department be cancelled to redress the grievance of the employees in the regular circles that their seniority and prospects are seriously affected*'.

" In the year 1925 or thereabouts, the Cauvery-Mettur Project was started; several divisions and subdivisions were formed to work out that project, and temporary establishment was recruited for these divisions and subdivisions under paragraph 56 of the Public Works Department Code. Some time after their recruitment, the members of this temporary establishment began to kick and to be alive. They complained to the Government by means of memorials that their prospects were gloomy and that they should not be allowed to be hanging on as temporary men and so they prayed that they might be distributed among the permanent Circles in the Presidency and confirmed when and as vacancies occurred. The Government, in their ultra-generosity which they sometimes exhibit ordered that the members of this temporary establishment must be distributed among the various permanent Circles in the Presidency. The orders which the Government passed are embodied in the Government Orders which I have just referred to. With your permission I shall take a cursory view of these Government Orders. G.O. No. 2760 W., dated 3rd November 1931, reads thus:—

' Memorials have been received from the temporary subordinate staff employed in Cauvery-Mettur Project requesting that they may be confirmed in permanent vacancies in the regular circles of the Public Works Department according to length of their service. The Government consider that the staff employed in the project should have equal opportunities of confirmation in the Public Works Department with the temporary staff employed in the circles. They accordingly direct that the temporary clerks, typists, draughtsmen and tracers employed in the project should be allotted to the circles of the Public Works Department for purposes of confirmation and that the number of temporary men in each of these classes should be distributed among circles in the proportion of the permanent strength of the circles in that class. On this principle the temporary establishment employed in the Cauvery-Mettur Project (including men discharged from the Cauvery-Mettur Project but subsequently employed by other circles) consisting of 98 temporary clerks, 12 typists, 14 draughtsmen and 7 tracers will be distributed among the circles . . .'

" The other Government Order I referred to is simply a correction of this Government Order with regard to the number of temporary clerks, typists, etc. So, I need not read it. The question is, is the Government justified in passing these orders and merging the temporary

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employees in regular service? The temporary establishment of the Mettur Project were recruited under the terms of paragraph 56 of the Public Works Department Code. Paragraph 56 reads thus—

'Temporary officers have no claim to pension or to any absentee allowances beyond those conditionally given to temporary employees under Fundamental Rule 103. If they are engaged for a special work, their engagement lasts only for the period during which the work lasts. If dismissed, otherwise than for serious misconduct, before the completion of the work, they will be entitled to a month's notice or a month's pay in lieu of notice; but otherwise, with or without notice, their engagement terminates when the work ends. If they desire to resign their appointments, they will be required to give a month's notice of their intention to do so or forfeit a month's pay in lieu of such notice. These conditions should be clearly explained to the men employed and a written declaration obtained from them that the terms have been clearly understood.'

"Under the terms of this paragraph a written declaration was taken from each and every member of the temporary establishment recruited for the Cauvery-Mettur Project. I shall read a line or two of the declaration that is taken under paragraph 56—

'I do hereby declare that I fully understand that my appointment as on Rs. in the Public Works Department is temporary and that my appointment carried with it no claim to pension or to any compensating allowance over and above the abovementioned salary. I have no claim whatever to any local or other allowances, etc.'

"My submission is that the members of the temporary establishment of the Cauvery-Mettur Project were informed at the time of entertainment that they could not hope for confirmation, being engaged for a special work; their employment ceases with the completion of the work. So, the service of a temporary employee of the project should terminate on the completion of the project. Hence their absorption in regular circles is against the original terms of their employment. If such absorption was harmless and does not affect the interests of others, we would have no quarrel with the Government Orders in question. On the other hand, they do affect materially the prospects of the officiating and temporary clerks of the regular circles—that is permanent establishment—who are entitled to be confirmed as and when vacancies occur. It is thus manifestly unfair and unjust to deprive the regular establishment of the circles of a privilege which they are entitled to according to the original terms of their employment and to show, at their expense, that benefit to the establishment of the Cauvery-Mettur Project who were made to understand from the very beginning that they could not lay claim to it. Moreover, as members of temporary establishments, these people in the Cauvery-Mettur Project enjoy some special privileges such as increased salaries, free housing, etc., which members of the regular services are denied. Hence, Sir, I move that G.Os. No. 2760 W., dated 3rd November 1931, and No. 939 W., dated 26th April 1932, may be cancelled. With these observations, Sir, I commend this resolution to this hon. House."

Mr. Abdul Hameed Khan:—"Sir, I second this motion. In doing so, I wish to state that it will be a flagrant injustice done to men in service who, according to their original appointment, expected that they would carry through according to the rules of service; but all of a sudden, the Government have decided to dump over them men who have 4-45 p.m.

been relieved from the Mettur Project. Sir, it will certainly be a grave injustice done to the men already in service if the Government do not cancel these two Government Orders referred to in the resolution so ably moved by the hon. Member from Bezwada."

MR. C. SATYANARAYANA CHOUDARI:—" Sir, the facts disclosed by the hon. Mover of this resolution make out a very strong and serious case against the Government. The charge of breach of faith or breach of contract against the Government is too serious a charge for the Government to allow to go unnoticed. I am not sure whether the Government are in possession of any extra additional material which would enable them to explain away the case as made out by my friend Mr. Kolanda Reddi; but as facts are stated by him, I am afraid a very strong case of breach of faith on the part of Government has been made out. The case covered by the resolution, briefly put, comes to this: there are persons employed specifically for a particular purpose—the Cauvery-Mettur Project—under special conditions, on the express understanding that their term is only temporary and that it will expire on the completion of the project. The condition implied in the contract between the employees and the Government in the case of the regular services is however different, it being that unless they are guilty of some serious charge or misconduct, unless there is any policy of retrenchment necessitated by force of circumstances, every vacancy that arises in the department in which they are included should go for their benefit. Now, Sir, these are the two kinds of agreements involved in the case of these two sets of people. But contrary to the agreement implied in the case of the employees in permanent service and in gross violation of the terms, the Government have ordered that the employees recruited for the temporary establishment in connexion with the Cauvery-Mettur Project be distributed in the regular circles, with the result that the chances of confirmation and promotion of those already recruited on the basis of their entering a permanent service with prospects of confirmation, are entirely wiped out. This is a serious matter, Sir, and unless Government assure this House and through this House the public as well as the employees in the various departments that they propose to stand by the terms of the contract between them and their servants, it will lead to a sort of despair on the part of the employees in the various departments. It is not good for any Government to run the risk of losing the confidence which it ought to command at the hands of the public and of the various persons in the different departments. Under these circumstances, Sir, I hope the Government would be able to satisfy us that there is really nothing wrong in the matter, or if there is really something which ought to be rectified, to come forward and say that something has really gone wrong, and that they are prepared to set it right. Otherwise, Sir, the confidence of the public will be really shaken."

* MR. J. A. THORNE:—" Mr. President, Sir, I am authorized to oppose this resolution on behalf of the Government. The number of persons affected by this order, that is to say, the number of persons benefited by this order, is about 120, who, by this order, are distributed over seven circles. The hon. Member who moved the resolution questioned

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whether the Government Order could be justified. Another hon. Member used the terms ' breach of contract ' and ' breach of faith '—somewhat serious terms which I think cannot be regarded as suitable comment on the result of this Government Order. The fact is that Government are not only justified in passing this order, but are compelled to do so by the rules issued by the Secretary of State in the year 1930 which require that all temporary posts should be regarded as temporary additions to the cadre of a service and that service in a temporary post should count as probation for admission to the service. That means that the holders of such posts are entitled to substantive appointment to the service in their turn after the completion of their probation. There are no permanent posts in the Cauvery-Mettur Project to which these temporary posts could be attached; and therefore it was necessary for the purpose of carrying out the Secretary of State's rules to distribute them among the regular circles. There is no breach of contract. It is surely not suggested that the persons already attached to the regular circles are under contracts which are affected by these orders. Nor can it be said that there is any breach of faith. Had not the Government passed this order, I have no doubt that an accusation would have been made on behalf of the temporary staff in the Cauvery-Mettur Project that Government, after having made use of them for their own purposes for a long term of years, seven or eight years, have driven them into the street at the end of their service and made no attempt whatever to provide them with any permanent occupation. If this order gave them a preference over their contemporaries in the regular circles, then the accusation of breach of faith might have some foundation. That of course is not so. These persons are attached to the regular circles and will take their turn for confirmation in the vacancies that will arise. The men already belonging to the regular circles are not superseded by them; it depends entirely on the length of service and the satisfactory termination of probation. A man in a regular circle who has, say five years' service to his credit, has so much advantage over a Cauvery-Mettur Project man who has only four years' service, and there is no question of preference of any kind to be given to the Mettur Project man. I take it that this explanation will show at any rate that the Government have no intention whatever of favouring any particular class of men. On the contrary, they have been compelled to pass this order, and the order cannot be called in question on the ground of giving preference to anybody."

Mr. C. Satyanarayana Choudari:—" May I know what will happen in a case where the services of both are equal? "

Mr. J. A. Thorne:—" If the services are equal, I presume the case will be settled by the rules which apply to cases where the periods of service are equal." (Laughter.)

Rai Sahib C. Kolanda Reddi:—" It is said, Sir, that under this order about 120 persons of the temporary establishment of the Cauvery-Mettur Project have been confirmed. So, are not the interests of an equal number of men in the regular service affected thereby? If these 120 men were not confirmed, certainly 120 members in the regular staff would have been confirmed."